

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE GOOGLE INC. COOKIE
PLACEMENT CONSUMER PRIVACY
LITIGATION

Case No. 12-MD-2358-ER

This Document Relates to:
All Actions

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT

WHEREAS, this matter has come before the Court pursuant to Plaintiffs' Motion for Final Approval of Class Action Settlement with Defendant Google Inc. (the "Motion");

WHEREAS, the Court finds that it has jurisdiction over this action and each of the parties for purposes of settlement;

WHEREAS, the Court has held a Final Fairness Hearing on _____; and

WHEREAS, the Court has considered all of the submissions related to the Motion and is otherwise fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The terms of the Settlement Agreement between Plaintiffs and Defendant Google Inc. ("Defendant" or "Google"), dated June 30, 2016 (the "Agreement"), attached as Exhibit A to the Declaration of Brian R. Strange filed in support of the Motion, are hereby approved. This Order incorporates herein, and makes a part hereof, the Agreement. Unless otherwise provided herein, the terms defined in the Agreement shall have the same meanings herein. The Agreement was entered into only after extensive arm's-length negotiations by experienced counsel. The Court finds that effective Notice of the Proposed Agreement was given to the Class and that the Class Settlement embodied in the Agreement (the "Class Settlement") is fair, reasonable, and adequate. In making this determination, the Court has considered the current posture of this litigation and the risks and benefits to the parties involved in both settlement of these claims and continuation of the litigation.

2. The Settlement Class¹ is defined and certified as follows:

¹ Excluded from the Class are (1) Google, its parent, subsidiaries, successors, affiliates, officers, and directors; (2) the judge(s) to whom this case is assigned and any member of the judge's or judges' immediate family; (3) Persons who have settled with and released Google from individual claims substantially similar to those alleged in the Litigation; and (4) Persons who submit a valid and timely Request for Exclusion.

All persons in the United States of America who used the Apple Safari or Microsoft Internet Explorer web browsers and who visited a website from which Doubleclick.net (Google's advertising serving service) cookies were placed by the means alleged in the Complaint.²

3. The Court finally finds that the Settlement Class meets all the applicable requirements of Federal Rules of Civil Procedure 23(a), 23(b)(2), and (b)(3) and hereby certifies the Settlement Class. The Court hereby finds, in the specific context of the Class Settlement, that:

a. Numerosity

The Settlement Class consists of millions of members located throughout the United States and satisfies the numerosity requirement of Federal Rule of Civil Procedure 23(a). Joinder of these widely dispersed, numerous Settlement Class Members into one suit would be impracticable.

b. Commonality

Common questions of law and fact, with regard to the alleged activities of Google, exist for each of the Settlement Class Members. These issues are central to this case and are sufficient to establish commonality.

c. Typicality

Plaintiffs' claims in this litigation are typical of the claims of the Settlement Class Members. Therefore, in the context of this Settlement, the element of typicality is satisfied.

d. Adequate Representation

Plaintiffs' interests do not conflict, and are co-extensive, with those of absent Settlement Class Members. Additionally, this Court recognizes the experience of Class Counsel—Strange LLP, Bartimus, Frickleton & Robertson, P.C., and Silverman, Thompson, Slutkin, White—and finds under Federal Rule of Civil

² The Complaint alleges that in 2011–2012, users of Apple Safari or Microsoft Internet Explorer web browsers that were set to accept cookies only from “visited” sites or to block cookies from “third parties and advertisers” who visited a non-Google website containing an advertisement served by Doubleclick.net (Google's advertising serving service) and who did not already have a cookie from the Doubleclick.net domain would have received one as a result of this visit because of means employed by Google to set cookies under these circumstances.

Procedure 23(g), that the requirement of adequate representation of the Settlement Class Members has been fully met.

e. Rule 23(b)(2)

As to the remedial relief provided by the Settlement Agreement, Google has acted on grounds that apply generally to the Settlement Class, so that final injunctive relief is appropriate respecting the Settlement Class as a whole.

f. Rule 23(b)(3)

The proposed Class is sufficiently cohesive to warrant adjudication by representation such that issues common to the Class predominate over any individual issues. Further, a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

4. The Court appoints Named Plaintiffs Jose M. (“Josh”) Bermudez, Nicholas Todd Heinrich, and Lynn Krause as Class Representatives. Based upon the Court’s familiarity with the claims and parties, the Court finally finds that these designated representatives are appropriate representatives for settlement purposes and appoints them as Class Representatives.

5. The Court further finds that the following firms fairly and adequately represent the interests of the Settlement Class and hereby confirms them as Settlement Class Counsel pursuant to Federal Rule of Civil Procedure 23(g): Strange LLP, Bartimus, Frickleton & Robertson, P.C., and Silverman Thompson Slutkin White.

6. The Court has considered the notice to Class Members that were made consistent with the Settlement Agreement and the Court’s Order Preliminarily Approving the Settlement (D.I. 203, 205), and finds that the forms, content, and manner of Notice meet the requirements of due process and Federal Rule of Civil Procedure 23(c) and (e), constitute reasonable, sufficient, and appropriate notice under the circumstances, and satisfy the constitutional requirements of notice. The Court further finds that the Notice Program constituted the best notice practicable

under the circumstances given the size of the Settlement Class, the lack of addresses for direct notice, and the method by which Class Members were allegedly harmed.

7. The Court finds that the persons identified in **Exhibit A** attached hereto have timely and validly requested exclusion from the Class, and are, therefore, excluded accordingly. Such persons are not included in or bound by the Final Judgment in this Action. Such persons are not entitled to any recovery obtained through this Settlement.

8. The Court, having considered the timely objections to the Settlement, as well as Plaintiffs' responses filed on August 8, 2022, and any oral argument as to these objections, hereby overrules all such objections.

9. The Court hereby dismisses on the merits and with prejudice the claims asserted in the Litigation by Plaintiffs against Google.

10. In accordance with the terms of the Settlement, the Releasing Parties hereby fully, finally, and forever release, relinquish, and discharge against each of the Released Parties and all persons acting through, under, or in concert with each such Released Party, all claims in the Action. Specifically, the Releasing Parties release any and all past, present, or future claims, causes of action, suits, petitions, demands in law or equity, or any allegations of liability or damages, debts, contracts, agreements, obligations, promises, attorneys' fees, costs, interest ,or expenses that have been, may be, or could be asserted in the Action, arising out of, or relating to the Litigation or the subject matter of the Litigation.

11. Without affecting the finality of the Final Judgment in any way, the Court hereby retains continuing and exclusive jurisdiction over and for the purposes of: (a) implementation of the Settlement and the distribution(s) to *cy pres* recipients as authorized under the Settlement; (b) Defendants until the Final Judgment contemplated hereby has become effective and each and

every act agreed to be performed by the Parties has been performed pursuant to the Settlement; and (c) all Parties and Class Members for the purpose of enforcing and administering the Settlement.

12. In the event the Settlement does not become effective, then the judgment shall be rendered null and void and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void and the Parties shall be returned to their respective positions *ex ante*.

13. The Court finds, pursuant to Federal Rules of Civil Procedure 54(a) and 54(b), that Final Judgment should be entered as to the Parties in this Litigation. Accordingly the Clerk is hereby directed to enter judgment forthwith.

IT IS SO ORDERED.

Date: _____

Hon. Eduardo C. Robreno
United States District Judge

EXHIBIT A

Google Cookie Placement Consumer Privacy Litigation

2016

2022

Exclusion Request

Tracking Number	CLASS MEMBER NAME	STATUS	Tracking Number	RE-NOTICE CLASS MEMBER NAME	STATUS
59E7A68549	CHARLES E RICHARDSON	Incomplete	1	SHAWN HOLMES	Incomplete
E2D29C8163	UNITA FAY MITCHELL	Incomplete	2	RAUL MENDOZA	Complete
B4E535D02C	AKIKO DUNN	Complete	3	ERNEST ROBINSON	Complete
C395C9BF85	ALAN LANSING	Complete	4	JOHANNA R SILVA	Complete
609F01BCE3	ALEKSANDR Y SHINKAREV	Complete	5	LORENE BANKS	Complete
5004E9094B	ALEZIA JACKSON	Complete	6	LEROY EARLE	Complete
D8576D76A5	ANDREY SHLOMOVICH	Complete	7	OREO BANKS	Complete
A918648630	ANITRA MURPHY	Complete	8	MICHELE RUSSO	Complete
1113BDD2E6	BRADDOCK BUCK DEANGELO	Complete	9	LEROY D EARLE III	Complete
0A5BDF6236	BRYAN MURPHY	Complete	10	DENISE INGRAM	Complete
F6CEEFE734	CAMERON CORNELISON	Complete	11	LORENE BANKS	Complete
2C3D6535C6	CHARLES JACKLIN	Complete	12	LINDA K LAM	Complete
7457060D41	CHARLES RICHARDSON	Complete	13	LISA K LAM	Complete
2D675464D7	CHRISTOPHER GALBRAITH	Complete	14	CAROLYN BARBEE	Complete
7D1F2D7B47	DEANGELO BRADDOCK	Complete	15	CLAUDIA ANDERSEN	Complete
F16BF035C1	DOREEN M CAOUETTE	Complete	16	MICHEAL T SHEPHERD	Complete
04AED75C43	DWAYNE HAWKINS-LODGE	Complete	17	KANEICE L STACKHOUSE	Complete
CAD886200A	EMANUEL HAJEK	Complete	18	CELESTE Y SCHADE	Complete
EBCCE4518F	GARY RICHARDSON	Complete	19	JAMES E HOUSTON	Complete
C111B7C04C	GEROD GREEN	Complete	20	JAMES L HATCHER	Complete
DC5A7CED01	GLENDIA JOHNSON	Complete	21	JENNIFER M LONG	Complete
485D8F69EA	GLENNA O'DELL	Complete	22	KALYNA F JACKSON	Complete
97A52D8C4A	JAMES COBB	Complete	23	ANITA M JORDAN	Complete
37D5FC861D	JAMES L NELSON JR	Complete	24	MICHEAL T GOLDSTEIN	Complete
9E12FA2824	JAMES WALTON	Complete	26	BRENDA GRIMES	Complete
1B3A58CE36	JENNIFER SIMONIAN	Complete	27	KEESHIA WHITESIDE JAYNES	Complete
18C456CD80	JESSICA BROWN	Complete	28	MEGAN J MOORE	Complete
8A3F6127C0	JESSICA BROWN	Complete	29	ANTHONY H BALL	Complete
C5179FA632	JESSICA BROWN	Complete	31	MICHELLE G SETTLES	Complete
E623AA70EB	KAREN FENNESSEY	Complete	32	JIM SHANNON	Complete
264767730C	KIN WAH KUNG	Complete	33	TYEISHA HARRIS	Complete
344DC93545	MARIA ZAPOLSKI	Complete	34	ANTONIO FORTSON	Complete
4E38C388EC	MARINA SHLOMOVICH	Complete	35	DEBBIE BELCHER	Complete
AD69E16E0C	MARY REPINE	Complete	36	KRYSTAL PATE	Complete
4E248D3080	MICHAEL BROWN	Complete	37	ANTWON AUSTIN	Complete
D5F1F7F5C4	MICHAEL BROWN	Complete	39	RACHEL K. NARR	Complete
A89FE75E77	MICHELLE SHLOMOVICH	Complete	40	ADAM E. HIPP	Complete
E86A9EB8A0	MOHAMAD HAKKANI	Complete	41	KATHERINE A. WENZEL	Complete
22A8716654	PETRA HAYEK	Complete	42	MICHAEL A. PALUMBO	Complete
6F6B6BCB5A	PHYLLIS BYRD	Complete	38	DIANA L. ANGUS	Late
603EFF417A	RACHELLE REESE	Complete			
E52A4866E2	RICHARD HAYEK	Complete			
CF4B00E930	RONY YARDEN	Complete			
91F80D4144	SHARD MASON	Complete			
2F35BB7580	SHERONDA WILLIAMS	Complete			
2C50A485E7	SMITH TRATICA	Complete			
BC9C044FF3	SONJI LANGFORD	Complete			
6BE7BD15DD	STEPHANIE WARD	Complete			
D2791B6886	TODD DORDAN	Complete			
8E8E55C18E	TRATICA SMITH	Complete			
7FC1C49FA3	SONIA MARTINEZ	Late			
7CFF2C7A31	ROCCO A. CONFORTI JR	Late			
40AE9DB0CC	ROCCO A. CONFORTI JR	Late			
7CFF2C7A31	ROCCO A. CONFORTI JR	Late			
40AE9DB0CC	ROCCO A. CONFORTI JR	Late			
344F34B05A	SONIA MARTINEZ	Late			
342451F4E6	DANIEL FRANCO	Late			
7FC1C49FA3	SONIA MARTINEZ	Late			
342451F4E6	DANIEL FRANCO	Late			
2793CE6AFD	BIANCA M JOYAL	Late			
34904D73FB	CODY THOMSON-ESQUER	Late			